

LABOR COMMISSION OPEN MEETING MINUTES

October 14, 2009

10:00 a.m.

**Heber M. Wells Building
160 East 300 South, Third Floor
Salt Lake City Utah 84114**

PRESENT From the Labor Commission:

Sherrie Hayashi, Commissioner
Alan Hennebold, Deputy Commissioner
Larry Bunkall, Director, Industrial Accidents Division
Bill Adams, Utah OSHA
Robyn Barkdull, Public Information Officer

OTHERS PRESENT:

Dennis Lloyd, Workers Compensation Fund
Mike Gorrell, Salt Lake Tribune

Commissioner Hayashi began the meeting at 10:00 a.m.

1. R612-4. Premium Rates.

Mr. Bunkall stated in Deloitte's findings, both the Employers Reinsurance Fund (ERF) and Uninsured Employers Fund (UEF) continue on track and are statutorily sound. He said Deloitte was proposing an assessment rate total of 4.40%: ERF – 3.50%; UEF – 0.15%; added to the statutorily mandated assessment rates for the Workplace Safety Restrict Account (WSRF) – 0.25%; and IARA – 0.50%.

Dennis Lloyd, WCF, stated that Milliman, Inc. had done a great job in the past with the actuarial report and Deloitte was continuing that same standard in the effort they showed in the new actuarial report.

Commissioner Hayashi said this rule will proceed through the rulemaking process.

2. R612-2. Repeal and Reenactment of Procedural Rules for Reemployment Act.

Mr. Bunkall explained this rule implements the new reporting requirements established by the Utah Injured Worker Reemployment Act. The Rule includes requiring a new Form 215, "Insurer/Employer Request to Waive/Postpone Reemployment Referral", and copies were distributed. This form must be completed and submitted to the Industrial Accidents Division.

Form 239 was also discussed. This form "Insurer/Employer Quarterly Report on Reemployment Efforts" is required no later than 45 days after the end of the quarter. **Mr. Lloyd** asked which quarter this would become effective. **Mr. Bunkall** said the next Bulletin from Industrial Accidents to employers will include instructions and specify the time frame of the forms. He

added no penalties will be assessed for the initial (third) quarter of 2009 while the transition/introduction of forms is being made.

Mr. Lloyd offered ideas for revision of Form 206, “Insurer/Employer Initial reemployment Report for Injured Worker”. This form is required by employers when it appears an injured worker is or will be disabled, or if the injured worker’s temporary total disability compensation period exceeds 90 days. **Mr. Lloyd** felt Column A of the form would be difficult to fill out properly as adjusters would not have that information at the time. Therefore, he felt most would then check “other” or “unknown” and the information would be non-reportable.

Mr. Bunkall asked if adding “if known” might be helpful in the explanation for Column A following “services”.

Mr. Hennebold suggested adding “other” with an explanation under the box for “claim liability is under review” in Column B.

Commissioner Hayashi said the Commission will take all comments on the forms under consideration and the rule will proceed through the rulemaking process.

3. 614-2-11 - Drilling Industry – Walking, Working Surfaces

Bill Adams explained this rule with a handout presentation. He said this amendment makes Utah safety standards for the drilling industry consistent with federal standards by requiring guarding for open-sided floors, platforms and runways four feet or higher above the adjacent surface level. Utah's current rule requires such guarding at six feet of elevation.

Commissioner Hayashi said this rule will proceed through the rulemaking process.

The Commissioner adjourned the meeting at 10:20.